

LEE LITIGATION GROUP, PLLC

148 WEST 24TH STREET, EIGHTH FLOOR
NEW YORK, NY 10011
TEL: 212-465-1180
FAX: 212-465-1181
INFO@LEELITIGATION.COM

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WRITER'S DIRECT: 212-465-1188
cklee@leelitigation.com

November 11, 2020

Via ECF

The Honorable Alison J. Nathan, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Tavarez v. Fondue 26, LLC et al,*
Case No. 1:20-cv-01128

Dear Judge Nathan:

We are counsel to Plaintiff in the above-captioned matter and write to respectfully request that the Court adjourn, *sine die*, the Initial Pretrial Conference currently scheduled for November 13, 2020 at 3:45 p.m.

SO ORDERED.

On August 7, 2020, Plaintiff filed a letter-motion with the Court seeking an adjournment of the Initial Pretrial Conference—then scheduled for August 14—on the grounds that Plaintiff was only able to effectuate service as to Defendants Fondue 26, LLC and Ainsph, LLC, and required additional time to serve the other named Defendants in this action. *See* Dkt. 27. While service has been effectuated or attempted on each of the remaining Defendants, none have yet to appear in this action, or otherwise contact Plaintiff's counsel. Furthermore, each Defendants' answer to the Complaint is now past due: Defendants Ainsph, LLC and Fondu 26, LLC were each served on March 19, 2020, with their answers due on April 9, 2020, Dkt. 25–26; Defendants Park 33 Restaurant LLC and Burger Fulton, LLC were each served on September 8, 2020; their answers were due on September 29, 2020, Dkt. 29–30. Service on Individual Defendant Dennis Bogart was unsuccessfully attempted on August 10, 2020, Dkt. 31. Service on Individual Defendant Matthew Shendell was unsuccessfully attempted on August 7, 2020, Dkt. 32. Service on Individual Defendant Alexander Rodriguez was unsuccessfully attempted on August 7, 2020, Dkt. 33. Service on Individual Defendant Brian Mazza was unsuccessfully attempted on August 10, 2020, Dkt. 34.

In light of the fact that each Defendant is now in default, Plaintiff intends to move for default against the same within the next thirty (30) days. Plaintiff therefore respectfully requests that the Court adjourn, *sine die*, the Initial Pretrial Conference. This is Plaintiff's third request for an adjournment of the Initial Pretrial Conference.

We thank the Court for its attention to this matter.



J. PAUL OETKEN
United States District Judge

Respectfully submitted,

/s/ C.K. Lee
C.K. Lee, Esq.

Cc: all parties via ECF